

CALIFORNIA ENERGY COMMISSION

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SACRAMENTO, CA 95814-5512
www.energy.ca.gov



March 9, 2004

Mr. Robert Hren
Roseville Electric
2090 Hilltop Circle
Roseville, CA 95747

Dear Mr. Hren:

ROSEVILLE ENERGY PARK (03-AFC-1) SECOND ROUND DATA REQUESTS

Pursuant to Title 20, California Code of Regulations, section 1716, the California Energy Commission (Energy Commission) staff requests that Roseville Electric supply the information specified in the enclosed data requests.

The subject areas addressed in the enclosed second round data requests are biological resources, cultural resources, and soil and water resources. The information requested is necessary to understand the project, assess whether the project will result in significant environmental effects, and to assess project alternatives and mitigation measures.

Written responses to the enclosed data requests are due to the Energy Commission by April 8, 2004, or at a later date agreed upon by the Energy Commission staff and the applicant.

If you are unable to provide the information requested in the data requests, or object to providing it, you must contact the committee assigned to the project and the project manager, within 10 days of receiving these requests, stating your reason for delay or objection.

If you have any questions regarding the enclosed data requests, please call me at (916) 651-8835.

Sincerely,

Bob Eller
Project Manager

Enclosure

cc: Agency Distribution List

Technical Area: Biological Resources

Author: Stuart Itoga

BACKGROUND

Although dry season branchiopod sampling results were submitted, RE indicated that wet season surveys to establish presence/absence of vernal pool fairy shrimp are ongoing. Furthermore, a summer wetland delineation conducted by RE did not accurately assess wetland features on the proposed project site. Consequently, RE is conducting a new delineation based, in part, on aerial photos.

DATA REQUEST

72. Please provide results for the 2004 wet season branchiopod surveys.
73. Please provide a revised wetland delineation and aerial photograph(s) of the proposed project's wetland features.
74. Please provide a copy of the Clean Water Act, Section 404 permit application submitted to the USACE, along with supporting data.
75. Please provide a copy of the Biological Assessment submitted to the USFWS, CDFG, and NMFS.
76. Please provide a map, at suitable scale, illustrating the location of the proposed project in relation to the 32,134 Placer County acres designated as critical habitat for vernal pool fairy shrimp.

BACKGROUND

RE described permanent and temporary impacts that could be associated with construction and operation of the proposed project. Included in the discussion is Table 8.2-7. The table quantified permanent and temporary impacts to wetlands and annual grasslands. According to RE's calculations, temporary grassland impacts to city property outside of the WRSP area would be approximately 40.7 acres. Staff assumes this figure was calculated by subtracting wetted acres (per RE summer delineation) from the 50-acre proposed construction zone. Although mitigation of wetted acres will obviously be required, vernal pool complexes are more than just wetted acres. On-site grasslands affect water flow over/through the system and influence depth, distribution, and duration of ponding. In addition, these grassland areas provide habitat for a variety of sensitive species. These include: burrowing owl, western spadefoot, white-tailed kite, Cooper's hawk, and dwarf downingia.

Restoring grasslands on the proposed site, after fill of associated wetlands, would not restore the function of the system; therefore, impacts to grasslands are not temporary. Mitigation for grassland impacts would require restoration/compensation as part of a functional vernal pool system. Consequently, subtracting the amount of wetland acres from the total acreage amount proposed for the project would not accurately reflect the amount of habitat necessary to compensate for the loss of a 50-acre vernal pool complex.

Roseville Energy Park (03-AFC-01)
Data Requests 2

DATA REQUEST

77. Using the USACE approved wetland delineation and the USFWS/staff approved Biological Assessment as guidelines, submit a proposal to mitigate the proposed projects impacts to the vernal pool system currently existing on the proposed site. Include in the proposal the proposed project's impacts to wetted and grassland areas within the 70-acre city owned parcel but outside the proposed 50-acre construction zone.

BACKGROUND

Responding to Biological Resources Data Request # 22, RE stated that during recent surveys done for the WRSP, a Swainson's hawk nest was found within two miles of the proposed project site.

DATA REQUEST

78. Per CDFG guidelines (impacts to active nests within 5 miles of project) propose mitigation for loss of Swainson's hawk foraging habitat caused by the proposed project.

Roseville Energy Park (03-AFC-01)
Data Requests 2

Technical Area: Cultural Resources

Author: Gary Reinoehl and Al Schwitalla

BACKGROUND

Data request 27 requested that the applicant provide a technical report documenting an archeological survey authored by someone who meets the Secretary of Interior's Professional Standards. The applicant responded that the report was completed under the direction of a Registered Professional Archaeologist, Douglas Davy. Dr. Davy's resume appears in the report and statements indicating he conducted a portion of the survey are included. The National Archaeological Database Information Sheet (NADIS) and the text of the report need to clearly identify the involvement of the individual that meets the Secretary of Interior's Professional Standards.

DATA REQUEST

79. Please provide a technical report or replacement pages for the existing report that clearly state that Dr. Douglas Davy either coauthored or was responsible for the conclusions contained in the report.

BACKGROUND

Data request 34 asked the applicant to contact local historical and archaeological societies that might have knowledge of historical or archaeological resources in the area of the project. Documentation was provided that the Roseville Historical Society was contacted and the response was provided. However, there was no indication as to whether local archeological societies (such as the Sacramento Archeological Society) were contacted.

DATA REQUEST

80. Please contact local archaeological societies that might have knowledge of archaeological resources in the area of the project. Please provide copies of the inquiry letters and any responses. Telephone contact and summaries of conversations are acceptable.
81. If any such resources are identified that could be impacted by the project or could have their immediate surroundings altered (change in the integrity of the setting) by this project in such a manner that the significance of the historical resource would be materially impaired and it has not been recorded on a Department of Parks and Recreation (DPR) 523 form, then please record the cultural resources on the DPR 523 form and provide a copy of the form.

Roseville Energy Park (03-AFC-01)
Data Requests 2

82. If any of the resources could be impacted by the project or could have their immediate surroundings altered (change in the integrity of setting) by this project in such a manner that the significance of the historical resource would be materially impaired, please provide a discussion of the significance of the resources under CEQA Section 15064.5(a), (3), (A)(B)(C) and (D) and provide staff with a copy of the assessment and the specialist's conclusions regarding the significance.

Roseville Energy Park (03-AFC-01)
Data Requests 2

Technical Area: Water and Soil Resources

Author: Richard Latteri

BACKGROUND

Data Request 52 requested a schedule for the completion, testing, and EPA licensing of the Pleasant Grove Waste Water Treatment Plant (PGWWTP) and its expected commercial operation date. Roseville Electric's response provided a date for final testing (Feb/Mar 2004) and commercial operation by August 2004. The response also made reference to the City receiving a permit to operate the PGWWTP in June 2000. Since the PGWWTP has not completed its testing and may still be under construction, EPA licensing may still be pending.

DATA REQUEST

83. Please provide the schedule for completion of the PGWWTP, a copy of the June 2000 operating permit, and verification of EPA approval and licensing of the PGWWTP.
84. Please provide a table of water quality parameters similar to Table 8.15-3 of the AFC for PGWWTP recycled water that is to be delivered to the REP.

BACKGROUND

Data Request 56 requested all information required by the City of Roseville for a:

- a) Municipal Industrial Wastewater Discharge Permit;
- b) Recycle Water Permit; and
- c) Grading Permit.

In Data Response 56, this information was not provided; although Section 8.15.5.3 of the AFC (pg. 8-15.27) states: *The City will require the REP to obtain an Industrial Wastewater Discharge Permit for discharge to the sanitary sewer system and the PGWWTP. The project will also require a recycled water permit.*

Data Response 56 included the statement that: *The City of Roseville will not require a permit application for the REP for a Municipal Industrial Wastewater Discharge Permit or a Recycle Water Permit because the REP is a city-owned project that the City Council will have approval prior to construction.* Irrespective of the Roseville City Council's actions, and considering the fact that the Energy Commission has the sole authority to approve the project, the complete data submittal for those permits is required for staff's assessment of the potential impacts to water and soil resource due to the construction and operation of the REP.

Roseville Energy Park (03-AFC-01)
Data Requests 2

DATA REQUEST

85. Please provide all data normally required by the City of Roseville when approving:
- a. A Municipal Industrial Wastewater Discharge Permit discharge to the sanitary sewer system and the PGWWTP.
 - b. A Recycle Water Permit that complies with all Title 22 and Title 17, California Code of Regulations for dual plumbed facilities and any other information normally required when the City approves a Recycle Water Permit
 - c. Please provide the results of the Hydraulic Engineering Center II (HEC II) water modeling analysis for the REP that has been identified as part of the grading permit or provide a statement why the analysis was not conducted.